

Not for Publication

**United States District Court
for the District of New Jersey**

PENCO PRODUCTS, INC,

Plaintiff,

v.

TOP SHELF WHOLESALE EQUIPMENT,
L.L.C. and JAMES GALLAGHER,

Defendants.

Civil No.: 13-3409 (KSH)

Opinion and Order

Katharine S. Hayden, U.S.D.J.

This matter comes before the Court upon plaintiff Penco Products, Inc.’s (“Penco”) motion for default judgment [D.E. 7] against defendant Top Shelf Wholesale Equipment, L.L.C. (“Defendant”). The Court notes as follows:

- Default was entered against Defendants for failure to plead or otherwise defend on August 2, 2013 and Penco moved for entry of final judgment by default on February 28, 2014;
- Penco’s submission on the motion was deficient in providing evidentiary support for the award sought pursuant to Fed. R. Civ. P. 55(b)(2).
- Furthermore, Penco fails to address why an entry of default judgment in its favor would not circumvent or otherwise intrude upon the automatic stay in place as to co-defendant, Gallagher, during the pendency of his bankruptcy case.

Based on the foregoing, the Court denies the motion for entry of default judgment as deficient without prejudice to re-filing with the proper documentation.

SO ORDERED this 30th day of September, 2014.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.